UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

: Chapter 11

ORION HEALTHCORP, INC¹.

Case No. 8-18-71748 (AST)

Debtors.

: (Jointly Administered)

HOWARD M. EHRENBERG IN HIS CAPACITY AS LIQUIDATING TRUSTEE OF ORION HEALTHCORP, INC., ET AL.,

Adv. Pro. No. 8-20-08051 (AST)

Plaintiff,

v.

In re:

ELENA SARTISON; 2 RIVER TERRACE APARTMENT 12J LLC, CLODAGH BOWYER GREENE A/K/A CLODAGH BOWYER, ELLIOTT GREENE,

Defendant(s)

DISCOVERY PLAN

In order to promote the efficient and expeditious disposition of the above-captioned adversary proceeding (the "Adversary Proceeding"), the following schedule shall apply to the Adversary Proceeding. This Discovery Plan is submitted in compliance with the Initial Scheduling Order issued by the Court on June 22, 2020, the Amended Scheduling Order

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Orion Healthcorp, Inc. (7246); Constellation Healthcare Technologies, Inc. (0135); NEMS Acquisition, LLC (7378); Northeast Medical Solutions, LLC (2703); NEMS West Virginia, LLC (unknown); Physicians Practice Plus Holdings, LLC (6100); Physicians Practice Plus, LLC (4122); Medical Billing Services, Inc. (2971); Rand Medical Billing, Inc. (7887); RMI Physician Services Corporation (7239); Western Skies Practice Management, Inc. (1904); Integrated Physician Solutions, Inc. (0543); NYNM Acquisition, LLC (unknown) Northstar FHA, LLC (unknown); Northstar First Health, LLC (unknown); Vachette Business Services, Ltd. (4672); Phoenix Health, LLC (0856); MDRX Medical Billing, LLC (5410); VEGA Medical Professionals, LLC (1055); Allegiance Consulting Associates, LLC (7291); Allegiance Billing & Consulting, LLC (7141); New York Network Management, LLC (7168). The corporate headquarters and the mailing address for the Debtors listed above is 1715 Route 35 North, Suite 303, Middletown, NJ 07748.

And Order Concerning Summary Judgment issued on November 16, 2020 [Dkt. No. 38], and in accordance with Fed. R. Civ. P. 16(b) and 26(f). The Discovery Plan is submitted by Plaintiff and Defendants, 2 River Terrace Apartment 12J, LLC, Clodagh and Elliott Greene and Elena Sartison. All parties have appeared in the adversary as represented by counsel.

- 1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) have been completed by all parties.
- 2. The parties have met and conferred regarding the discovery to be conducted and documents maintained in electronic format. Plaintiff has identified the issue of the Debtors' servers, some of which have been coded into a searchable format while others which would require additional time and expenditures. The parties have agreed to retain all evidence stored in electronic format and will cooperate to facilitate the exchange of relevant documents.
 - 3. All <u>fact</u> discovery shall be completed no later than April 20, 2021.
- 4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure ("Civil Rules"), Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and the Local Rules of the Bankruptcy Court for the Eastern District of New York ("Local Bankruptcy Rules"). The parties anticipate discovery on the subject transfers, product and services rendered, and the surrounding business dealings.

5. Expert discovery

- a. All expert discovery shall be completed no later than June 20, 2021.
- b. No later than April 30, 2021: (i) the party bearing the burden of proof on any issue shall make all disclosures required under Fed. R. Civ. P. 26 (a)(2); and (ii) all rebuttal

or responsive expert reports and other disclosures required under Fed. R. Civ. P. 26 (a)(2) shall be made no later than thirty (30) days thereafter.

6. Mediation

If the parties desire and agree to mediate their dispute(s) at any time during the pendency of this adversary proceeding, they shall jointly file a stipulation (the "Stipulation") with the Court

7. Motions

a. All motions and applications shall be governed by the Civil Rules, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements. Pursuant to the authority provided by Fed. R. Civ. P. 16(b)(2), a motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto (*see* Local Bankruptcy Rule 7056-1) is made in writing within fourteen (14) days after the close of fact discovery (*see* paragraph 3 hereof).

8. Trial

- 9. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application no less than five (5) days prior to the expiration of the date sought to be extended.

Dated: January 8, 2021

PACHULSKI STANG ZIEHL & JONES LLP

Attorneys for Plaintiff Howard M. Ehrenberg, in his capacity of Liquidating Trustee of Orion Healthcorp, Inc., *et al*

By: _/s/ Jeffery P. Nolan

Ilan D. Scharf, Esq. Jeffery P. Nolan, Esq., (Pro Hac Vice) 780 Third Avenue, 34th Floor New York, NY 10017 Tel: (212) 561-7700

Law Offices of Albert Dayan

Email: ischarf@pszjlaw.com

Attorneys for Elena Sartison

By: /s/ Albert Y. Dayan

Albert Y. Dayan (AYD-5222) Law Offices of Albert Dayan 80-02 Kew Gardens Road, Suite 902 Kew Gardens, New York 11415 Tel: (718) 268-9400

Email: dayanlaw@aol.com

GOLDBERG WEPRIN FINKEL GOLDSTEIN LLP

Attorneys for Clodagh Bowyer Greene A/K/A Clodagh Bowyer, Elliott Greene

By: /s/ J. Ted Donovan

J. Ted Donovan, Esq. 1501 Broadway, 22nd Floor New York, NY 10036 Tel: (631) 271-4143

Email: Adamassan @assufale

Email: tdonovan@gwfglaw.com

Parlatore Law Group, LLC

Attorneys for 2 River Terrace, Apt. 12J, LLC

By: /s/ Maryam N. Hadden

Maryam N. Hadden, Esq. One World Trade, Suite 8500 New York, New York 10007

Tel: (646) 846-6382

Email:

maryam.hadden@parlatorelawgroup.com

SO ORDERED: